

REMARKS

In the Office Action mailed July 31, 2003, a formal drawing for the single figure was required and claims 2, 10, 15 and 23 were rejected under 35 U.S.C. § 112, 2nd paragraph. In addition, claims 1–4, 9–17 and 22–24 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,339,768 to *Leung et al* in view of U.S. Patent No. 5,826,077 to *Blakeley et al*. Finally, claims 5–8 and 18–21 were rejected under 35 U.S.C. § 103(a) over *Leung* in view of *Blakeley*, and further in view of U.S. Patent No. 5,666,528 to *Thai*.

Claims 1, 9, 12, 14 and 22 are amended to clarify that a query, SQL statement or query language statement “is executed multiple times without being recompiled.” Support for this amendment is found in the specification at page 6, lines 2–15. The amendment also replaces the ‘?’ character in claims 2, 10, 13, 15 and 23 with the term “question mark character.” Support for the amendment is found in the specification at page 6, lines 8–9, which explicitly states that “?” is a question mark. Claims 1–24 remain pending in the application and reconsideration and withdrawal of rejections is respectfully requested in view of the amendment and the following remarks.

A. The Formal Drawing Requirement

The Examiner has required that a formal drawing be furnished for the single figure in the application. This requirement is traversed on the ground that the drawing already meets the drawing requirements of 37 C.F.R. § 1.84.

While no explanation was given for why the drawing was informal, a copy of the drawing accompanying the Office Action shows a penciled in “Fig. 1” at the bottom. Therefore, the lack of a “Fig. 1” on the submitted drawing is believed to be the ground for the requirement.

Contrary to the Examiner’s requirement, 37 C.F.R. § 1.84 actually *forbids* the use of a “Fig. 1” label where there is a single drawing in the application:

View numbers must be preceded by the abbreviation "FIG." Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear.

See 37 C.F.R. §1.84(u)(1); see also MPEP §608.02.

The submitted drawing already complies with the formal drawing requirements of § 1.84 and adding "Fig. 1" would in fact make the drawing non-compliant. Accordingly, withdrawal of the requirement to furnish a formal drawing is respectfully requested.

B. The Rejection of Claims 2, 10, 15 and 23 under § 112

Claims 2, 10, 15 and 23 were rejected under 35 U.S.C. § 112, 2nd paragraph, for recited the '?' character. This rejection is made moot by the amendment.

Claims 2, 10, 13, 15, and 23 are amended to replace the '?' with "question mark character." The amendment clarifies that '?' is referring to a question mark character and not a range of other variables. Accordingly, withdrawal of the rejection of claims 2, 10, 15 and 23 under § 112, 2nd paragraph, is respectfully requested.

C. The Rejection of The Claims under § 103(a)

Claims 1–4, 9–17 and 22–24 were rejected under 35 U.S.C. § 103(a) over *Leung* in view of *Blakeley*. In addition, claims 5–8 and 18–21 were rejected under 35 U.S.C. § 103(a) over *Leung* in view of *Blakeley*, and further in view of *Thai*. The rejections are respectfully traversed in light of the amendment.

Claims 1, 9, 12, 14 and 22, as amended, clarify that a query, SQL statement or query language statement "is executed multiple times without being recompiled." This element is neither described nor suggested by the references. *Leung* has been cited by the Office as describing a precompiled

query language statement based on program source code undergoing a "precompile step." See *Leung* col. 5, lines 11–12. While the precompile step in *Leung* may sound similar to precompiling a query language statement, it is describing an entirely different event: Nothing is being compiled in the precompile step of *Leung*, but instead, each instance of a query language statement in the source code is replaced with a host language call to the statement, which has been transferred to a separate Database Request Module (DBRM). Only in a later step, after the separated query language statements have been further modified in the DBRM, are they finally compiled.

Each query language statement compiled from the DBRM is mapped to a host call, and there is no suggestion that a host call executes a statement more than once when the source code is executed. In essence, *Leung* is describing the conventional process of compiling and executing query language statements, and does not describe the executing a compiled statement multiple times without the need for recompiling. Furthermore, *Leung* never suggests that precompiling a query language statement and executing it multiple times without recompiling is more efficient than compiling the statement each time it is executed. Likewise, neither *Blakeley* or *Thai* describe or suggest this element of the present invention.

Claims 1, 9, 12, 14 and 22, as amended, are neither described nor suggested by *Leung* in view of *Blakeley*, or *Leung* and *Blakeley* in further view of *Thai*. Claims 2–8, 10–11, 13, 15–21 and 23–24 depend from claims 1, 9, 12, 14 and 22, respectively, and include all the elements of the claim from which they depend. Accordingly, withdrawal of the rejections of the claims under § 103(a) over *Leung* in view of *Blakeley*, and *Leung* and *Blakeley* in further view of *Thai*, is respectfully requested.

D. Conclusion

In view of all of the above, claims 1-24 are believed to be allowable and the case in condition for allowance, which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fees are believed to be required with this Response, and should any be required, please charge Deposit Account 50-1123. Should any extension of time be required, please consider this a petition therefore and charge the required fee to Deposit Account 50-1123.

20 October 2003
Date

Respectfully submitted,



William J. Kubida, Reg. No. 29,664
Hogan & Hartson L.L.P.
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5909 (telephone)
(303) 899-7333 (facsimile)